THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

HILLSBOROUGH, SS.
Northern District
Docket # 07-S-0254

APRIL TERM, 2007

The State of New Hampshire

v.

Michael K. Addison

STATE'S OBJECTION TO THE DEFENDANT'S MOTION TO CHANGE THE LOCATION OF PRETRIAL HEARINGS

NOW COMES the State of New Hampshire by and through its attorneys, the Office of the Attorney General, and respectfully objects to the defendant's motion to change the location of pretrial hearings. In support of this objection, the State asserts the following:

1. The defendant, Michael K. Addison, has been charged with Capital Murder for killing Manchester Police Officer Michael L. Briggs, on October 16, 2006, in Manchester, New Hampshire.

2. The defendant has filed a motion to change the location of all pretrial hearings from the courthouse in Manchester to another one in either Nashua or Brentwood. The State objects to that request.

3. The defendant claims that changing the location of pretrial hearings is "necessary" because repeated publication of photographs of him in shackles and a prison uniform threatens his constitutional rights. The State disputes that claim because the defendant has failed to cite, and the State has failed to locate, any authority which stands for

the proposition that the defendant has a constitutional right to wear clothing of his choice at pretrial hearings or to change the location of pretrial hearings to limit photographs of him wearing prison issued clothing and in physical restraints in connection with pretrial hearings.

4. Regarding the location of judicial proceedings in general, both the statutory and constitutional provisions explicitly require that a defendant's trial be conducted in the county or judicial district where the crime was committed. Part I, article 17 of the New Hampshire Constitution provides:

> In criminal prosecutions, the trial of facts, in the vicinity where they happened, is so essential to the security of the life, liberty and estate of the citizen, that **no crime or offense ought to be tried in any other county or judicial district than that in which it is committed; except in any case in any particular county or judicial district, upon motion by the defendant, and after a finding by the court that a fair and impartial trial cannot be had where the offense may be committed**, the court shall direct the trial to a county or judicial district in which a fair and impartial trial can be obtained.

(Emphasis added). Similarly, RSA 602:1 (2001) provides in relevant part: "Offenders shall be prosecuted and tried in the county or judicial district thereof in which the offense was committed."

5. Part I, article 17 of the New Hampshire Constitution permits a change of venue for purposes of **trial**, only if the court finds that "a fair and impartial trial cannot be had where the offense may be committed...." There is no such provision allowing for a change of venue for pretrial hearings and the defendant has cited no authority which mandates changing the location of those hearings.[1]

[1] Moving the pretrial proceedings will also result in inconvenience to the court and counsel, inconvenience for the victim's family, additional time that the prison will have to spend transporting the defendant from the prison to court and increases the amount of time that the defendant will be out of the prison.

6. In order to justify moving the pretrial hearings, the defendant relies entirely on cases whose holdings are limited to a defendant's constitutional rights during the trial itself. See Estelle v. Williams, 425 U.S. 501 (1976) (in which the Court ruled that the accused could not be compelled to wear prison garb at **trial**); Deck v. Missouri, 544 U.S. 622 (2005) (in which the Court held that at the **sentencing phase** of a capital murder **trial** a defendant should not, without justification, be bound and shackled while the jury was present in the courtroom); and Moore v. Ponte, 186 F.3d 26 (1st Cir. 1999) (where a defendant was required to sit in a prisoner's dock throughout the **trial**). None of these cases addressed a defendant's rights outside of the trial context and none of their holdings have ever been extended to include pretrial hearings.

7. Indeed, the Supreme Court of Appeals of West Virginia wrote, "Neither Deck nor Estelle, or any court in the country for that matter, prohibits transporting a prisoner to a courthouse wearing prison garb or shackles. Any rule to the contrary would be ludicrous." State v. Tommy Y., Jr., 637 S.E.2d 628, 638 (W.Va. 2006) (in which the court ruled that defendant was not entitled to a new proceeding based on mere fact that a juror might have briefly seen him wearing institutional clothing and shackles).

8. Directly applicable to the issues in the present motion, and contradicting the argument raised by the defendant, is the opinion handed down by the Georgia Court of Appeals in the matter of Grant v. Jones et al., 384 S.E.2d 434 (Ga. 1989):

> While Georgia courts have long recognized the right of a criminal defendant to appear at **trial** in civilian clothes rather than in prison garb... that right has never been extended to a pretrial proceeding conducted by the trial judge with no jurors present, and we decline to do so now.

Id. at 435 (Court's emphasis); see also Mayer v. Pima County Sheriff Department (Lewis), 996 F.2d 1226 (9th Cir. 1993) (prisoner has a right not to be compelled to appear before a jury in jail clothes because that would prejudice his constitutional right to a fair trial. However, in nonjury matters there is no inherent risk of prejudice and consequently no attendant right to appear in civilian clothing); Houghton v. Osborne, 898 F.2d 156 (9th Cir. 1990) (defendant made no showing that his wearing of jail garb had any impact on fairness of nonjury pretrial competency proceedings); United States v. Hoye, 671 F.Supp 1098, 1104 (Va. 1987) (no prejudice to defendant as a result of having to wear prison garb for pretrial hearing). New Hampshire has similarly never recognized that a defendant has a right to change the location of pretrial hearings solely to limit his potential for media exposure.

9. The defense also concedes that the news media already has images of the defendant in prison issued clothing and with physical restraints. Therefore, changing the location of the pretrial hearings will do little to limit the quantity or availability of news media reports confirming that the defendant is being held at the state prison without bail and is being transported to the courthouse in prison issued clothing and with physical restraints. See State v. Smart, 136 N.H. 639, 649 (1993) (noting that it is the "adverse nature of the publicity, not merely its quantity, that is critical" in the prejudice analysis). In addition, as demonstrated by the attachment to the defendant's motion, there is nothing inherently or unfairly prejudicial about the innocuous and fairly nondescript clothing which the defendant has been wearing during his transportation to the courthouse. Compare Estelle v. Williams, 425 U.S. at 502 (defendant appeared at trial in clothes that were distinctly marked as prison issue). The State also submits that given the nature of the charge and the fact that it has been already reported more than once by the news media that the defendant is being held without

bail at the state prison,[2] there is no reasonable basis to conclude that a potential juror would be unduly prejudiced or biased by becoming aware that the defendant, at one time or another, wore prison issued clothing and was transported to court with his hands and feet secured. See Banks v. State, 869 S.W.2d 700, 704 (Ark. 1994) ("It would come as no surprise to the jury to learn that a person charged with capital murder was a resident of the county jail before trial."). In this case, the defendant has never been "paraded" in public wearing prison issued clothing or physical restraints, but instead has been efficiently ushered the short distance from the transporting vehicle to the courthouse. In addition, as demonstrated by the attachments to the parties' pleadings, the news media reports of those events have been factual in nature and not inflammatory. See State v. Smart, 136 N.H. at 649 ("Distinguishing between straightforward factual publicity about a celebrated case and inflammatory, adverse press is crucial."). Therefore, it is a considerable presumption on the defendant's part to claim that images of him in prison issued clothing and with physical restraints will so greatly damage his chances of empanelling a qualified jury that all pretrial hearings must be moved.

10. "...[T]he bar facing the defendant wishing to prove presumed prejudice from pretrial publicity is extremely high." United States v. McVeigh, 153 F.3d 1166, 1183 (10th Cir. 1998). In the case of Oklahoma City bomber Timothy McVeigh—a case with worldwide and exponentially more news media coverage than this case—the 10th Circuit Court of Appeals ruled that "mere television images of the defendant in prison garb being led through an angry crowd do not come close to the type of inflammatory publicity required to

[2] Attached to this pleading as exhibits one and two, are copies of newspaper articles representative of the news media's coverage of this case. The first article is from The Union Leader and is dated November 18, 2006. In that article it was reported that the defendant was escorted "from the courtroom to state prison in Concord, where he is being held without bail." The second article is from the Concord Monitor and is dated March 24, 2007. In that article, it was reported that the defendant "has been held without bail since his arrest Oct. 16."

reach the disruptive force seen in Sheppard, Estes, and Rideau." Id. at 1182; see also Sheppard v. Maxwell, 384 U.S. 333, 353-58 (1966) (noting that "bedlam reigned at the courthouse during the trial" and that the media's intrusive and pervasive presence in the courtroom, inflammatory news reports, media hounding of jurors and the defendant resulted in a "carnival atmosphere"); Estes v. Texas, 381 U.S. 532, 577-80 (1965) (noting the media invasion of courtroom during trial with "national notoriety"); Rideau v. Louisiana, 373 U.S. 723, 723-27 (1963) (repeated broadcast in defendant's small community of defendant's video taped "confession" resulted in "kangaroo court proceedings" and required reversal where a request to change venue had been denied).

11. The defendant has not claimed that the pretrial publicity in this case has risen to the level of that which was present in far more notorious cases. Instead, he contends that the Court should move the pretrial hearings solely on the basis of the threats he perceives to his constitutional rights which he claims are due to "the nature of the charge in this case and the overwhelming media coverage...." However, as illustrated by the McVeigh case and other cases, serious criminal charges and the news media reports they generate, even in the most notorious of cases, are not enough to engender a presumption of prejudice. For example, in Cressell v. Commonwealth of Virginia, 531 S.E.2d 1 (Va. 2000), a Caucasian defendant was charged with helping to kill an African-American victim by dousing him in gasoline and burning him alive after the defendant threatened to burn the victim on a white cross and called the victim racial slurs. Id. at 10. Prior to trial, the defendant moved for a change of venue based on pretrial publicity which he argued had been "inflammatory, hostile, and prejudicial." Id. at 4. The defendant claimed that a photograph showing him "in a prison uniform, wearing handcuffs and leg irons, created an aura and impression in the

minds of prospective jurors in the community that he was guilty." Id. The Virginia Court rejected that argument because an unbiased and qualified jury could still be empanelled to hear the trial and concluded that: "Prospective jurors are not required or expected to be completely ignorant of the facts and the issues surrounding a highly publicized case; all that is required is that a prospective juror can lay aside his or her impression or opinion and render a verdict based upon the law and evidence." Id. at 5. Therefore, "[e]xtensive knowledge in the community of either the crimes or the putative criminal is not sufficient by itself to render a trial constitutionally unfair." Id. (citation and quotation marks omitted).

12. The cases cited by the State illustrate the fact that just because the public has knowledge about a case or a defendant prior to trial does not necessarily or irrevocably "undermine the presumption of innocence" as is claimed by the defendant. That is because:

> Impartiality does not mean jurors are totally ignorant of the case. Indeed, it is difficult to imagine how an intelligent venireman could be completely uninformed of significant events in his community. It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.

U.S. v. McVeigh, 153 F.3d at 1183 (internal quotations omitted). This is consistent with New Hampshire law:

> To be an indifferent juror, . . . it is not required . . . that the juror be totally ignorant of the facts and issues involved. In these days of swift, widespread and diverse methods of communication, an important case can be expected to arouse the interest of the public in the vicinity, and scarcely any of those best qualified to serve as jurors will not have formed some impression or opinion as to the merits of the case. This is particularly true in criminal cases. To hold that the mere existence of any preconceived notion as to the guilt or innocence of an accused, without more, is sufficient to rebut the presumption of a prospective juror's impartiality would be to establish an impossible standard. It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.

State v. Laaman, 114 N.H. 794, 800 (1974) (citations and internal quotations omitted).

13. In this case, the Court has addressed news media issues appropriately and consistent with New Hampshire law. See State v. Michael K. Addison, No. 06-S-2499 (Hillsborough Cty. Super. Ct. - Northern Dist., December 27, 2006) (Amendment to Media Order); State v. Smart, 136 N.H. at 654 ("The trial judge made emphatically clear that he, and not the press, was in control of the courtroom."). Any concerns regarding pretrial publicity and its potential for prejudice to the jury pool can be further addressed by the Court and counsel through voir dire.[3] That is the appropriate and sufficient means to address the defendant's concerns "that...constitutional violations do not occur...." See Tucker v. State, 983 S.W.2d 956, 959 (Ark. 1999) (prior to trial, defendant's counsel polled all potential jurors during jury selection, and asked whether fact that defendant was wearing prison clothes and restraints would bias them against defendant); State v. Laaman, 114 N.H. at 800 ("whether or not a prospective juror is indifferent, for whatever reason his impartiality is questioned, is a determination to be made in the first instance by the trial court on voir dire").

14. Even after a qualified jury has been selected, another layer of protection is available to the defendant through the use of appropriate jury instructions regarding news media reports and images. See Tucker v. State, 983 S.W.2d at 959 (during trial, the judge gave the jury two admonishments regarding defendant's appearance in prison clothes and restraints). Those instructions should be assumed to be sufficient and effective since "[o]ur system of justice is premised upon the belief that jurors will follow the court's instructions." State v. Smart 136 N.H. at 650 (quotation omitted).

[3] Since this case will involve individual attorney conducted voir dire, the jury panel will not only be questioned by the Court, but also by counsel.

15. To conclude, there is nothing in the act of conveying the defendant from the transporting vehicle to the courthouse while he is wearing prison issued clothing and subject to physical restraints, which is unfairly prejudicial. It is also speculative to conclude that a potential juror will learn that the defendant is engaged in such an action during pretrial proceedings and that such knowledge will threaten the defendant's constitutional rights, given the protections which will be in place for trial, such as voir dire and jury instructions. Accordingly, the defendant's motion should be denied.

WHEREFORE the State of New Hampshire respectfully requests that this Honorable Court:

A. Deny the defendant's motion to change the location of pretrial hearings and all other relief requested by the defendant; and

B. Grant such further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Kelly A. Ayotte
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April 2, 2007

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been sent to Richard Guerriero, Esquire, David Rothstein, Esquire, and Donna Brown, Esquire.

April 2, 2007

Jeffery A. Strelzin

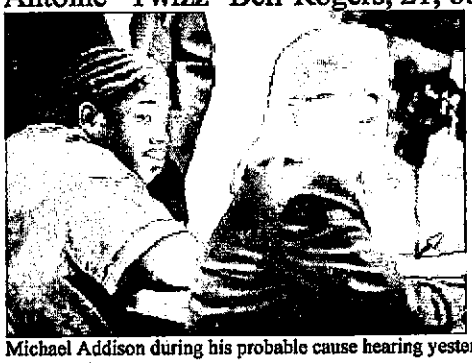
[184278]

Officer's Murder Described in Court Hearing
By KATHRYN MARCHOCKI
Union Leader Staff
Saturday, Nov. 18, 2006

MANCHESTER – Ordered to stop three times by a uniformed bicycle patrol officer in a well-lit alley last month, Michael K. "Stix" Addison waited until Officer Michael L. Briggs got within one foot of him when he wheeled around and fatally shot Briggs once in the head, police and prosecutors said yesterday.

"Officer Briggs yelled, 'Stop, police!'," Detective Lt. Nick Willard testified in a Manchester courtroom packed with more than 20 uniformed officers and relatives of the slain officer.

But Addison, 26, allegedly kept walking away on Litchfield Lane Oct. 16, his face covered by a red-hooded sweatshirt and his hands either folded in front of him or tucked in his shirt while his companion, Antoine "Twizz" Bell-Rogers, 21, obeyed the command and stopped, Willard said.



Michael Addison during his probable cause hearing yesterday in Manchester District Court. (THOMAS ROY)

As Briggs, 35, closed in, Addison allegedly spun, raised a handgun and fired one round into the right side of Briggs' head just inches above his ear, and Briggs fell to the pavement, Willard said. Briggs' partner, Officer John Breckinridge, fired about four shots as Addison allegedly ran from sight, he said.

Later in police custody, Bell-Rogers called one of his girlfriends, who agreed to let police secretly record the conversation, and told her: "He had nothing to do with it and his boy, Stix, 'popped a cop'," Willard testified at the preliminary hearing in Manchester District Court.

"He said the police kept telling them to stop. He said, 'My man wasn't going to stop.' He indicated something like, 'You talking to me?' He said, 'My man spun ... and the cop dropped'," Willard continued.

But a tearful Addison -- facing a capital murder charge and possible death penalty -- later told Manchester detectives questioning him after his arrest in Boston that he "didn't want to be seen as a monster" and confessed he only shot toward the two officers pursuing him to scare them off so he could get away, Willard said.

"He stated that he knew he had a gun on him, he knew he had warrants on him. He stated that when he was ordered to stop, he spun around and he fired over his shoulder ... in the direction of the police officers in an effort to get them to back away while he made his escape," Willard said during the more than 90-minute probable cause hearing.

Judge William Lyons ruled the state presented sufficient evidence to find probable cause for capital murder in the shooting of the decorated officer and father of two sons, who died Oct. 17. The case now goes before a Hillsborough County Superior Court grand jury.

In charging Addison with capital murder, the state will seek the death penalty because, it claims, Addison knowingly killed Officer Briggs. Under state law, the murder of a police office is considered a capital crime, punishable by death.

Addison's alleged admission that he fired toward Briggs and his partner at about 2:45 a.m. came after Addison changed his story many times during three hours of questioning by Manchester police detectives, Willard said. Still, Willard acknowledged under cross-examination by public defender Donna Brown that Addison "never said he intended to kill Officer Briggs."

Public defender Richard C. Guerriero warned evidence heard yesterday "doesn't tell the entire story of what happened."

"There are two statements we agree with: Michael Addison was not out to kill anybody that night and the other one is Michael Addison is not a monster," Guerriero said shortly before Addison was escorted in leg and hand shackles from the courtroom to state prison in Concord, where he is being held without bail.

Addison, a thick-set man with a mustache and his black hair braided in tight rows, was allowed to have his hand shackles removed before the hearing so he could communicate with his attorneys through hand-written notes while five deputy sheriffs stood guard along the wall beside him.

Willard, the lead investigator in the case and sole witness to testify, said police recovered a cell phone and red-hooded sweatshirt in the alley and a .380 caliber handgun about six blocks away. The weapon had no fingerprints on it and is believed to belong to Bell-Rogers, Willard said. Ballistics testing showed the bullet recovered from Briggs' brain was fired from the handgun, he said.

Willard said police had arrest warrants for Addison and Bell-Rogers, both former Boston residents, the night of Briggs' murder for their alleged role in shooting up an east side apartment building at about 1:30 a.m., two days before the Briggs killing.

While Breckinridge was about 15 feet away from Addison when he allegedly shot Briggs, he could not positively identify Addison as the shooter because he could not see his face beneath the hooded sweatshirt, Willard said.

However, a man arrested at the 337 Lake Ave. apartment where police were called to a domestic disturbance at about 1:30 a.m. Oct. 16 involving Bell-Rogers and Addison identified the two men on Litchfield Lane as Bell-Rogers and Addison, Willard said.

According to Willard, Jennifer Roman, one of Bell-Rogers' girlfriends, lives in the apartment with her mother, Mary Peters. After a fight broke out, Bell-Rogers and Addison left the apartment and a shot rang out in the hallway. The two men were gone when police arrived but they found Eric Robinson inside and arrested him on an outstanding warrant, placing him inside the police transport van.

Meanwhile, Bell-Rogers and Addison showed up at the apartment of Kelly Grady, another girlfriend of Bell-Rogers, at about 1:45 a.m., Willard said.
"They were in a hurry and out of breath," Willard said.

The men had a handgun that had been broken down into three pieces, which Addison hid in Grady's underwear drawer, he said. When Grady told them to "get the gun and get out," Addison took the weapon, went into the bathroom and reassembled it.

"Stix put the gun in his waistband and put his red sweatshirt over it and the two left the apartment" at about 2:30 a.m., Willard said.

After Briggs and Breckinridge finished investigating the domestic disturbance at 337 Lake Ave., they rode north on Lincoln Street where they spotted two men matching the description of Addison and Bell-Rogers.

The officer driving the police transport van also spotted the men and pulled over on Lincoln Street where it meets Litchfield Lane.

Robinson, who was sitting in the back of the van near the window, told police he saw Addison and Bell-Rogers, whom he was with about an hour earlier at 337 Lake Ave., walk past the van in front of him into Litchfield Lane. Robinson watched the shooting unfold from inside the van, Willard said.

Meanwhile, Mary Peters told police she heard a series of gunshots and, shortly after, heard a "Nextel chirp" come over her daughter's cell phone.

Peters told police she heard a man's voice over the phone saying: "I just shot a cop. You're not going to see me for a while."

Peters asked her daughter, Jennifer Roman, if that was Bell-Rogers who called.

"She said, 'No, it's not ma. Mind your business,'" Willard said.

Addison showed up "out of breath" at the 420 Spruce St. apartment of his girlfriend, Jennifer Joseph, with a black duffel bag at about 5 a.m. Oct. 16.

"He told her the police were trying to stop him and he had a gun in his pocket and when he tried to run the gun went off," Willard continued. He said he had a "family emergency" and asked her to drive him to Boston.

Addison was arrested by Boston police at his grandmother's apartment in Dorchester, Mass., at about 5:30 p.m.

Article published Mar 24, 2007

Addison challenges death penalty (3/24/07)

Suspect's lawyers object to execution

By Joelle Farrell
Monitor staff

Mar 24, 2007

Zoom

Lawyers for Michael Addison, the man accused of killing a Manchester police officer last fall, say execution by lethal injection or hanging is "cruel and unusual punishment," and they will challenge the state's death penalty statute on a number of fronts.

Addison's public defenders have asked the court for additional time to pursue nearly two dozen arguments against the state's death penalty and capital murder procedures, and the death penalty in general, according to several motions filed yesterday in Hillsborough County Superior Court in Manchester. They've also asked that all pretrial hearings be held in public, on the record and in a courtroom outside of Manchester, where Addison would be shielded from photographers when he is shackled and dressed in a prison jumpsuit.

"The stakes could not be higher," Addison's attorneys wrote. "There is no other criminal case receiving greater media coverage. There is no other criminal case receiving more attention from the Manchester community.

"Under these circumstances, the repeated publication of images of Michael Addison in prison clothes, bound hand and foot, will serve as a 'constant reminder' and a 'continuing influence' which will undermine the presumption of innocence before the trial has even started."

Addison, 27, has been held without bail since his arrest Oct. 16. He is charged with capital murder in the shooting death of Michael Briggs, 35, a Concord father of two and a bicycle patrolman with the Manchester police department. Prosecutors say Addison shot Briggs in the head after Briggs pursued him; the state is seeking the death penalty.

Addison has pleaded not guilty and is scheduled for trial in September 2008.

Addison's public defenders, Richard Guerriero, Donna Brown and David Rothstein, filed three motions yesterday, including one that asks for additional time to challenge Addison's capital murder indictment and the death penalty.

In an order issued earlier this month, Judge Kathleen McGuire instructed defense counsel to file indictment challenges by May 7 and motions concerning the death penalty by July 9. The defense team has asked that the deadlines be extended to October 26 and August 30, respectively, saying the team needs more time to provide Addison with the best defense.

Addison's lawyers intend to argue that the death penalty is cruel and unusual punishment, citing a Florida case in which it took 34 minutes for a man to die by lethal injection.

"States do no employ doctors to administer the drugs that execute people, do not have clearly defined protocols or procedures and do not cause deaths that are 'quick' and 'painless,' " according to the motion.

Addison's lawyers plan to resurrect legal issues left unresolved from the last capital murder case prosecuted in New Hampshire.

In 1997, Gordon Perry, 22, was charged with fatally shooting Epsom Officer Jeremy Charron. Perry pleaded guilty to murder as part of a deal that spared him the death penalty. But by the time he took the plea deal, his lawyers had filed 19 motions challenging the constitutionality of the state's death penalty statute. The judge ruled on fewer than half of the motions before Perry began serving his life sentence.

Addison's lawyers also argue that the state's death penalty statute is unconstitutional because it denies Addison the right to choose whether a judge or jury will hear his case and determine his punishment. A defendant may prefer his case be heard in front of a judge if he thinks a jury would give in to emotion when making a decision. On the other hand, a defendant may prefer that a jury sentence him if he thinks jurors may have more sympathy and spare him death.

The instructions given to jurors deciding a death sentence are untried in New Hampshire - the law has changed since the state's last execution in 1939. Addison's lawyers argue that jurors are not offered a clear standard for deciding death and the state's law precludes jurors from considering certain elements and doubts that could lead them to choose life imprisonment instead of death.

The defense team has outlined an additional 16 challenges to the New Hampshire statue or to the death penalty in general, according to a motion. And if Addison is convicted of capital murder, meaning he knowingly killed Briggs, his attorneys want jurors to determine whether the act was purposeful before they sentence him.

Each hearing held in the Addison case draws a crowd of reporters. His attorneys worry that pictures of Addison in shackles and prison clothes portray him as guilty and could taint the jury pool. They've asked that his pretrial hearings be moved to Hillsborough County Superior Court in Nashua or Rockingham County Superior Court in Brentwood. Both courts have secure entrances that would allow Addison to enter and leave the courthouse without running into photographers.

The issue was raised after the Union Leader published a photograph of Addison in handcuffs and a green prison jumpsuit; Addison was returning to prison after his

arraignment.

Karen Huntress, a prosecutor with the state attorney general's office, wouldn't comment, saying she hadn't yet seen the defense's motions. Richard Guerriero, the lead defense attorney, declined to comment on the motions.

------ End of article

By JOELLE FARRELL

Monitor staff

Related articles:
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